

Applicant: Zeira et al.
Application No.: 09/845,803

REMARKS

Claims 31-36 and 40 are currently pending in the present application. In the Office Action, claims 31, 34 and 40 are rejected under 35 U.S.C. §112, and claims 31-36 and 40 were rejected under 35 U.S.C. 103(a) as being unpatentable over US 2002/0016177 (Miya et al.) and U.S. Patent No. 6,035,210 (Endo et al.).

Claim Rejections – 35 U.S.C. §112 – Claims 31, 34 and 40

The Examiner rejected claims 31, 34 and 40 under 35 U.S.C. §112, first paragraph. The Examiner states that the subject claims recite the feature of "for the entire CCTrCH" which is not disclosed in the drawings and/or specification.

The Applicants respectfully disagree that this feature is not disclosed in the specification and/or drawings. The feature is disclosed at least in paragraph [0039] of the specification where it is recited that "...a TPC command per CCTrCH along with interference information for each time slot are used to adjust the transmission power." This recitation is utilized when describing the second embodiment where time slot interference data from each time slot is utilized to equalize the SIR in different slots. Accordingly, a single TPC command for the *entire* CCTrCH is used along with interference information to adjust transmission power as opposed to a TPC command for each time slot of the CCTrCH.

The Applicants therefore submit that the amendments to claims 31, 34, and 40 are fully supported in the specification and/or drawings, and respectfully request withdrawal of the Examiner's 35 U.S.C. §112, first paragraph, rejection.

Claim Rejections - 35 U.S.C. §103(a) – Claims 31-36, and 40

The Examiner rejected claims 31-36, and 40 under 35 U.S.C. 103(a) as being unpatentable over Miya et al. (U.S. Publication No. 2002/0016177) in view of Endo et al. (U.S. Ref. No. 6,035,210).

Miya illustrates an individual setting of power level for each particular timeslot using multiple transmit power commands (TPC) for each particular timeslot or using a signal to interference ratio (SIR) measurement of that particular timeslot. The present amended claims send a single power command for an entire CCTrCH which includes a plurality of time slots, and an interference power measurement for each timeslot. Miya deals with this scenario by sending multiple individual TPCs for each timeslot. That is, referring to Figure 5 in Miya, a TPC U_{i-1} is sent for timeslot $i-1$, TPC U_i is sent for timeslot i , and TPC U_{i+1} is sent for timeslot $i+1$. The present claims use a single power command for the CCTrCH and an interference measurement for each timeslot, where the downlink power is set for each timeslot using only a single TPC for the entire CCTrCH and an interference measurement for that timeslot. Such an arrangement is not disclosed in Miya.

Endo is cited as disclosing the transmission of interference measurements. However, these interference measurements are not being used in any resemblance as to the manner recited in the claims. Miya uses multiple individual timeslot TPCs, where the downlink power for each timeslot is set based upon the TPC

received for that timeslot. Accordingly, there is no reason that an interference measurement would be used in addition to the multiple TPCs, and Endo therefore teaches away from combination with the Miya reference, as no person of ordinary skill in the art would combine Miya with Endo since Miya provides a TPC per timeslot for power control of that timeslot.

Accordingly, Applicants respectfully submit that the amended claims are allowable over the Miya and Endo combination, whether taken alone or in combination with each other.


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Conclusion

In view of the foregoing remarks and amendments, the Applicants respectfully submit that the present application is in condition for allowance and a notice to that effect is respectfully solicited.

Respectfully submitted,

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